

COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH POISONOUS OR DELETERIOUS SUBSTANCES

203. Hair dryer (3 seizure actions). (F. D. C. Nos. 36995, 37301, 37323. S. Nos. 38-231 L, 72-618 L, 86-531 L.)

QUANTITY: 138 11-oz. cans and 349 5-oz. cans at Cleveland, Ohio, Baltimore, Md., and Newark, N. J.

SHIPPED: Between 9-7-54 and 9-11-54, from New York, N. Y., by Mil-Hi Laboratories, Inc.

LABEL IN PART: "No-Time Dries Wet Hair."

LIBELED: On or about 10-14-54 and 10-28-54, N. Dist. Ohio, Dist. Md., and Dist. N. J.

CHARGE: 601 (a)—the article when shipped contained a poisonous or deleterious substance, carbon tetrachloride, which may have rendered the article injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

DISPOSITION: Between 11-8-54 and 12-13-54. Default—destruction.

204. Hair dryer (2 seizure actions). (F. D. C. Nos. 37302, 37304. S. Nos. 88-197 L, 88-268 L.)

QUANTITY: 142 11-oz. cans and 187 5-oz. cans at Washington, D. C.

SHIPPED: 9-8-54 and 9-17-54, from New York, N. Y., by Mil-Hi Laboratories, Inc.

LABEL IN PART: "No-Time Dries Wet Hair."

LIBELED: 10-13-54, Dist. Columbia.

CHARGE: 601 (a)—the article when shipped contained a poisonous or deleterious substance, carbon tetrachloride, which may have rendered the article injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

DISPOSITION: 1-6-55. Default—destruction.

COSMETIC ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

205. Shampoo Plus Egg (2 seizure actions). (F. D. C. No. 33704. S. Nos. 54-730 L, 65-926/7 L.)

QUANTITY: 189 1-qt. bottles, 65 4-oz. bottles, and 484 8-oz bottles at Detroit, Mich.

SHIPPED: Between 8-20-52 and 10-29-52, from Chicago, Ill., by Helene Curtis Industries, Inc.

LABEL IN PART: (Btl.) "Helene Curtis Shampoo Concentrate Plus Egg * * * This Shampoo Contains 2 percent Whole Fresh Eggs" and "Helene Curtis Shampoo Plus Egg* Concentrate with Hair-Conditioning Action *2%."

LIBELED: 9-22-52 and 5-3-54, E. Dist. Mich.; amended libel filed 5-7-54 with respect to the 8-oz. and 4-oz. bottle lots.

CHARGE: 602 (a)—(article in 1-qt. btls.), the statement on the label of the article when shipped, namely, "Shampoo Concentrate Plus Egg," was misleading since it implied that the article would be effective for the purpose of giving an egg shampoo.

602 (a)—(article in 4-oz. and 8-oz. btls.) the statement on the label of the article when shipped, namely, "Shampoo Plus Egg* Concentrate with Hair-Conditioning Action *2% 4 Fl. oz.," and the statement on the retail display carton, "Shampoo Plus Egg* the only Shampoo made with fresh, whole egg . . . Nature's own amazing hair conditioner! 2%," when viewed in its setting and promotion, including the color of the contents of the article, was false and misleading since the label, setting, promotion, and color represented and suggested and created the impression that the article contained a significant amount of egg and was an egg shampoo, whereas it contained an insignificant amount of egg, namely, approximately 1/150 of an egg per shampoo, and it was not an egg shampoo.

DISPOSITION: Leo E. Morris Co., Detroit, Mich., appeared as claimant in each of the seizure actions. Thereafter, the claimant having admitted that the articles were in interstate commerce as alleged and having advised the court that the labeling involved had been modified in certain respects voluntarily, and it being further represented to the court that the claimant neither admitted nor denied the other allegations in the libels but consented to the entry of a decree, judgements were entered in each seizure action on 4/25/56, in which the court condemned the article in each lot pursuant to some but not all of the particulars in the libels.

On 5-8-56, supplemental decrees were entered ordering that the articles be destroyed, except for those samples which had been released to the parties.

U.S. Department of Health, Education, and Welfare**FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

206-208

COSMETICS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *February 17, 1959.*

CONTENTS

	Page		Page
Cosmetic actionable because of adulteration with poisonous or deleterious substance or substances-----	138	Cosmetic actionable because of contamination with filth-----	138
		Cosmetics, subject to the drug provisions of the Act-----	139